

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON AT TACOMA

DEBORAH LEPINE, individually and on behalf  
of all others similarly situated,

Plaintiff,

vs.

PETSMART, INC, a Delaware Corporation,

Defendant.

Case No.: 3:17-cv-05488-BHS

**ORDER GRANTING FINAL  
APPROVAL OF SECOND  
DISTRIBUTION PURSUANT TO  
COURT-APPROVED CLASS ACTION  
SETTLEMENT AGREEMENT**

NOTE ON MOTION CALENDAR:  
February 25, 2019

1 The Court, having read and considered all of the papers of the parties and their counsel,  
2 including Plaintiff's Motion for Final Approval of Second Distribution, and Motion for Approval  
3 of Fees and Costs from Second Distribution; having preliminarily approved the Notice and  
4 Second Distribution on December 4, 2018, directing that a second notice be given to the  
5 additional Class Members of the Settlement Agreement; having received no objections or  
6 opposition to the settlement; and good cause appearing:  
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8 **IT IS HEREBY ORDERED AS FOLLOWS:**

9 1. The Court hereby finds that the second Notice of Proposed Class Action  
10 Settlement, as mailed to all additional Class Members, fairly and adequately described the terms  
11 of the proposed Settlement Agreement, the manner in which the additional Class Members could  
12 object to the settlement, and the manner in which the additional Class Members could opt out;  
13 was the best notice practicable under the circumstances; was valid, due and sufficient notice to  
14 all Class Members; and complied fully with FRCP Rule 23(e)(1)(B), due process, and all other  
15 applicable laws. The court further finds that a full and fair opportunity has been afforded to the  
16 additional Class Members to participate in and to determine whether the second distribution  
17 should be finally approved. Accordingly, the Court hereby determines that all additional Class  
18 Members who did not timely and properly request to be excluded from the second distribution  
19 are bound by this Order and shall be deemed to have released any claims described in the  
20 Settlement Agreement (the "Released Claims").  
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23 2. The Court finds that the additional amount agreed to be paid by Defendant and  
24 the settlement payments to be paid to additional Class Members are fair and reasonable under  
25 the facts of this case. Accordingly, the Court hereby finally and unconditionally:  
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a. Approves the additional Settlement Amount of \$125,000;

b. Approves Class Counsel's requested fees award of \$37,500 which is thirty percent (30%) of the second distribution;

c. Approves Class Counsel's request for reimbursement of litigation expenses of \$20.90 to be paid from the second distribution;

d. Approves payment to Simpluris, Inc., the Settlement Administrator, of Settlement Administration Costs in the amount of \$2,247.34 (including \$1,000 previously approved by the Court for Settlement Administration, and the remaining \$1,247.34 of the \$1,268.24 previously approved as reimbursement for litigation costs); and

e. Approves the payments from the additional settlement payment of amounts determined by the Settlement Administrator to be due to the additional Class Members.

3. The Court orders that the parties and the Settlement Administrator shall carry out the following implementation schedule for further actions and proceedings:

Within 14 calendar days of Settlement Effective Date	Deadline for Defendant to transfer Settlement Fund to the Settlement Administrator
Within 21 calendar days of Settlement Effective Date	Deadline for Settlement Administrator to pay Attorneys' fees and costs to Class Counsel
Within 30 calendar days of Settlement Effective Date	Deadline for Settlement Administrator to issue Settlement payments to participating Settlement Class Members
90 days after checks are mailed	Uncashed check voided and funds shall be transmitted by the Settlement Administrator the Washington State Department of Revenue Unclaimed Property Fund in the name of the Settlement Class Members

1           4.       Without affecting the finality of this Order, the Court retains exclusive and  
2 continuing jurisdiction over the case for purposes of supervising, implementing, interpreting and  
3 enforcing this Order and the Settlement Agreement, as may become necessary, until all of the  
4 terms of the Settlement Agreement have been fully carried out.

5           5.       Upon the Settlement Effective Date, all additional Class Members who have not  
6 timely and properly excluded themselves from the Settlement Agreement shall be and hereby  
7 are enjoined from filing, initiating or continuing to prosecute any actions, claims, complaints, or  
8 proceedings with respect to the Released Claims.  
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10 Presented by:  
11

12                     /s/       Julian Hammond            
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14 Dated this 11<sup>th</sup> day of February, 2019.  
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16 IT IS SO ORDERED, ADJUDGED AND DECREED.  
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18 DATED this 25<sup>th</sup> day of February, 2019.  
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22 BENJAMIN H. SETTLE  
23 United States District Judge  
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